

Message

From: Meekins, Tanya [Meekins.Tanya@epa.gov]
Sent: 9/18/2018 5:14:57 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Approval request for authentication form
Attachments: 2018-011365_authentication.doc; 2018-011365_response ltr.pdf

Hi Byron

I've created the authentication request. Can you let me know if you approve for signature?

Thanks

From: Blair, Shirley
Sent: Tuesday, September 18, 2018 10:54 AM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: RE: authentication form request

Hi Tanya,

It looks fine to me. Thanks

From: Meekins, Tanya
Sent: Monday, September 17, 2018 8:15 AM
To: Blair, Shirley <Blair.Shirley@epa.gov>
Subject: authentication form request

Hi Shirley

I have an authentication request from a FOIA requester. I've attached the latest form that I have. Can you review and let me know if any changes are needed before I move forward?

Thanks

From: Kaminer, Joan
Sent: Friday, September 14, 2018 10:04 AM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: RE: Freedom of Information Act request, EPA-HQ-2018-011365

Hi Tanya, We can't provide a certification of no records located to the requester but we can provide an authentication of the final response letter. The requester could then file the letter and authentication with the Court. You can work with Shirley Blair on the authentication. There is a charge of \$25 to the requester.

Thanks,

Joan G. Kaminer
Attorney-Advisor
EPA/OGC/GLO/ILPG
202-564-0334
Kaminer.joan@epa.gov

From: Meekins, Tanya
Sent: Thursday, September 13, 2018 5:52 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>
Cc: Hamilton, Sabrina <Hamilton.Sabrina@epa.gov>; Lubetsky, Jonathan <Lubetsky.Jonathan@epa.gov>
Subject: FW: Freedom of Information Act request, EPA-HQ-2018-011365

Hi all

I sent a "no records" response to a requester and he has asked if I could provide him with a "Certification" of our no records response. I have no memory of providing a certification of this kind; and I don't know if this is something the Agency does.

Below is a link that my management found to EPA's FOIA procedures which states that EPA staff is to complete a "certification form" when there is a no records response. However, the FOIA procedures also states that this form is not to be sent to the requester.

So my 1st question – is there is a certification form; and if so where do I get a copy?

My 2nd question - how do I respond to this requester? (see highlighted section from Mr. Jerrod Patterson)

Your assistance is greatly appreciated.

Thanks

From: Bunker, Byron
Sent: Thursday, September 13, 2018 5:30 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: RE: Freedom of Information Act request, EPA-HQ-2018-011365

Hi Tanya,

https://www.epa.gov/sites/production/files/2015-03/documents/cio_2157-p-01.1.pdf

See page 10, Step 11(d).

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency

2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Meekins, Tanya
Sent: Thursday, September 13, 2018 4:57 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: FW: Freedom of Information Act request, EPA-HQ-2018-011365

Hi Byron

Mr. Patterson is asking about a certification of a "no record response". I'll have to look into this on Monday. I'm not really sure what it means.

From: Jerrod C. Patterson [<mailto:jerrodp@hbsslaw.com>]
Sent: Thursday, September 13, 2018 4:55 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Subject: RE: Freedom of Information Act request, EPA-HQ-2018-011365

Hi Ms. Meekins:

I just left you a voicemail as well. Is it possible to obtain a Certification of No Record from the EPA regarding this request? This may be necessary to allow us to present it to the Court.

Thank you!

-- Jerrod

Jerrod C. Patterson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9378

From: Meekins, Tanya <Meekins.Tanya@epa.gov>
Sent: Thursday, September 13, 2018 1:18 PM
To: Jerrod C. Patterson <jerrodp@hbsslaw.com>
Subject: Freedom of Information Act request, EPA-HQ-2018-011365

Hello Mr. Patterson

Attached is the Agency's response to your Freedom of Information Act request referenced above. This response is also being sent to you through the Agency's FOIA online system. You should receive an email notification within the next 1-2 business days.

Thank you.

Tanya Meekins
Office of Transportation
And Air Quality
202-564-6002



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 13 2018

OFFICE OF
AIR AND RADIATION

Mr. Jerrod Patterson
Hagens Berman Sobol Shapiro LLP
1918 8th Avenue
Suite 3300
Seattle, Washington 98101

Subject: Freedom of Information Act request, EPA-HQ-2018-011365

Dear Mr. Patterson:

This is in response to your Freedom of Information request received September 11, 2018. You requested documents reflecting any testing, analysis, or work performed to evaluate BMW diesel X5 (model years 2009 to 2013), and BMW diesel 335d (model years 2009 to 2011) vehicles for "defeat devices," as defined by 40 CFR 86.1803-01 or undisclosed Auxiliary Emissions Control Devices (AECDS). We have no responsive records to this request beyond the standard emissions test results which are available on EPA's website at <https://www.epa.gov/compliance-and-fuel-economy-data/annual-certification-data-vehicles-engines-and-equipment> (see Light-Duty Vehicles and Trucks Archive Model Years 1979-2013).


There is no cost for the processing of this request.

This letter concludes our response to your request. You may appeal this response by email at hq.foia@epa.gov, or by mail to EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, NW, William Jefferson Clinton North Building, Room 5315, Washington, DC 20460.

Your appeal must be made in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals received after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; e-mail, ogis@nara.gov; telephone, (202) 741-5770 or (877) 684-6448; and facsimile, (202) 741-5769.

Sincerely,



Byron J. Bunker, Director
Compliance Division
Office of Transportation and Air Quality

Message

From: Meekins, Tanya [Meekins.Tanya@epa.gov]
Sent: 9/13/2018 8:18:10 PM
To: jerrodp@hbsslaw.com
Subject: Freedom of Information Act request, EPA-HQ-2018-011365
Attachments: 2018-011365_response ltr.pdf

Hello Mr. Patterson

Attached is the Agency's response to your Freedom of Information Act request referenced above. This response is also being sent to you through the Agency's FOIA online system. You should receive an email notification within the next 1-2 business days.

Thank you.

Tanya Meekins
Office of Transportation
And Air Quality
202-564-6002

Message

Sent: 7/31/2019 9:21:31 PM
To: alm@miller.law

Message

From: Jessica Thompson [jessicat@hbsslaw.com]
Sent: 11/28/2018 6:36:54 PM
To: Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Cullen, Daniel [Cullen.Daniel@epa.gov]; Davis, Julian [davis.julian@epa.gov]; Jessica Stevens [JessicaS@hbsslaw.com]; Jerrod C. Patterson [jerrodp@hbsslaw.com]
Subject: RE: Hagens FOIA requests
Attachments: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Dear Ms. Meekins,

We have been waiting to hear back from EPA for several months. We have been following up regularly and have not received any response. Can you please let us know the status of the custodians and search terms we discussed in June?

Thanks,
 Jessica

Jessica Thompson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9335

From: Meekins, Tanya <Meekins.Tanya@epa.gov>
Sent: Monday, July 9, 2018 9:26 AM
To: Jessica Thompson <jessicat@hbsslaw.com>
Cc: Cullen, Daniel <Cullen.Daniel@epa.gov>; Davis, Julian <davis.julian@epa.gov>
Subject: RE: Hagens FOIA requests

Hi Jessica

We have come up with custodians and search terms; we are touching base with OECA to get additional custodians. We will get this to you by the end of the week.

Thanks for your patience.

From: Jessica Thompson [mailto:jessicat@hbsslaw.com]
Sent: Monday, June 25, 2018 7:05 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>; Cullen, Daniel <Cullen.Daniel@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>; Wright, DavidA <Wright.DavidA@epa.gov>; Davis, Julian <davis.julian@epa.gov>; Shelby Smith <shelby@hbsslaw.com>
Cc: Wehrly, Linc <wehrly.linc@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Derieux, Christine <derieux.christine@epa.gov>
Subject: RE: Hagens FOIA requests

Good afternoon, everyone. On our June 6, 2018 telephone conference, we agreed that EPA will propose search terms and custodian limitations to narrow two of our FOIA requests. I haven't seen a list yet. Do you still plan to send these?

Jessica Thompson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9335

-----Original Appointment-----

From: Meekins, Tanya <Meekins.Tanya@epa.gov>

Sent: Wednesday, June 6, 2018 11:22 AM

To: Cullen, Daniel; Healy, Stephen; Zaremski, Sara; Wright, DavidA; Davis, Julian; Jessica Thompson; Shelby Smith

Cc: Wehrly, Linc; Mroz, Jessica; Derieux, Christine

Subject: Hagens FOIA requests

When: Wednesday, June 6, 2018 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: via phone

Here are copies of the FOIAs for discussion..

Conference call in number is Ex. 6 Personal Privacy (PP)

Conference ID is Ex. 6 Personal Privacy (PP)

Message

From: Jessica Stevens [JessicaS@hbsslaw.com]
Sent: 11/2/2018 8:42:12 PM
To: Meekins, Tanya [Meekins.Tanya@epa.gov]
CC: Jerrod C. Patterson [jerrodp@hbsslaw.com]; Jessica Thompson [jessicat@hbsslaw.com]
Subject: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Ms. Meekins,

This email serves as a follow-up email to my email sent on September 14, 2018 (below).

We kindly ask that you or someone in your office provide us with a status update. While we appreciate EPA's efforts to gather response documents, we must provide our clients and opposing counsel with an update.

If you have any further questions or concerns, please feel free to call.

Jessica Stevens | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9333

From: Jessica Stevens
Sent: Friday, September 14, 2018 11:35 AM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Cc: Jerrod C. Patterson <jerrodp@hbsslaw.com>; Jessica Thompson <jessicat@hbsslaw.com>
Subject: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Hi Ms. Meekins,

We were wondering if you have a status update regarding the above referenced matter number?

Additionally, our office has sent out some other EPA FOIA requests relating to diesel cases and are still waiting for additional documents from your office. I was hoping you would be able to provide us with an update on those as well. Those EPA matter numbers are:

1. EPA # EPA-HQ-2018-005071 (Ford F-250/F-350 2011-2017) – we received 112 documents, but was promised more
2. EPA # EPA-HQ-2018-004818 (Cruze Diesel 2014-2018) – we received 112 documents, but was promised more
3. EPA # EPA-HQ-2018-004819 (Duramax Diesel 2011-2016)
4. EPA # EPA-HQ-2018-005072 (Mercedes Diesel 2007-2017)

Thank you for your attention to these matters!

Jessica Stevens | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9333

From: Jerrod C. Patterson
Sent: Wednesday, August 8, 2018 3:34 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Cc: Jessica Stevens <JessicaS@hbsslaw.com>
Subject: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Hi Ms. Meekins:

Thanks very much for the update. I'll look forward to your response.

-- Jerrod

Jerrod C. Patterson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9378

From: Meekins, Tanya <Meekins.Tanya@epa.gov>
Sent: Wednesday, August 8, 2018 12:59 PM
To: Jerrod C. Patterson <jerrod@hbsslaw.com>
Cc: Jessica Stevens <JessicaS@hbsslaw.com>
Subject: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Hello Mr. Patterson

My apologies for the delay in response. We have a backlog of FOIAs and we are working to get through them as quickly as possible. I am coordinating with the Office of General Counsel and the Office of Enforcement and Compliance Assurance on this request. We expect to provide a more extensive update soon.

Thank you for your patience as we continue to process your request.

Tanya Meekins
Office of Transportation
And Air Quality
202-564-6002

From: Jerrod C. Patterson [mailto:jerrod@hbsslaw.com]
Sent: Thursday, July 19, 2018 1:25 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>
Cc: Jessica Stevens <JessicaS@hbsslaw.com>
Subject: RE: FOIA Request EPA-HQ-2018-004363 Submitted

Hi Ms. Meekins:

I'm following up on my email below.

Thank you.

-- Jerrod

Jerrod C. Patterson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9378

From: Jerrod C. Patterson
Sent: Thursday, July 12, 2018 11:28 AM
To: 'Meekins.Tanya@epa.gov' <Meekins.Tanya@epa.gov>
Cc: Jessica Stevens <JessicaS@hbsslaw.com>
Subject: FW: FOIA Request EPA-HQ-2018-004363 Submitted

Dear Ms. Meekins:

I wanted to check on the status of this request. I initially submitted my request five months ago, and have not obtained any substantive updates since that time (other than that my request has been submitted). Can you please update me on the status?

Thank you.

-- Jerrod

Jerrod C. Patterson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9378

From: foia_hq@epa.gov [mailto:foia_hq@epa.gov]

Sent: Monday, February 12, 2018 4:13 PM

To: Jerrod C. Patterson <jerrod@hbsslaw.com>

Subject: FOIA Request EPA-HQ-2018-004363 Submitted

This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: EPA-HQ-2018-004363
- Requester Name: Jerrod Patterson
- Date Submitted: 02/12/2018
- Request Status: Submitted
- Description: Documents related to emissions testing and/or emissions compliance of Dodge Ram 2500/3500 diesel trucks (model years 2007-2017).

Message

From: Meekins, Tanya [Meekins.Tanya@epa.gov]
Sent: 7/9/2018 4:25:34 PM
To: Jessica Thompson [jessicat@hbsslaw.com]
CC: Cullen, Daniel [Cullen.Daniel@epa.gov]; Davis, Julian [davis.julian@epa.gov]
Subject: RE: Hagens FOIA requests

Hi Jessica

We have come up with custodians and search terms; we are touching base with OECA to get additional custodians. We will get this to you by the end of the week.

Thanks for your patience.

From: Jessica Thompson [mailto:jessicat@hbsslaw.com]
Sent: Monday, June 25, 2018 7:05 PM
To: Meekins, Tanya <Meekins.Tanya@epa.gov>; Cullen, Daniel <Cullen.Daniel@epa.gov>; Healy, Stephen <healy.stephen@epa.gov>; Zaremski, Sara <zaremski.sara@epa.gov>; Wright, DavidA <Wright.DavidA@epa.gov>; Davis, Julian <davis.julian@epa.gov>; Shelby Smith <shelby@hbsslaw.com>
Cc: Wehrly, Linc <wehrly.linc@epa.gov>; Mroz, Jessica <mroz.jessica@epa.gov>; Derieux, Christine <derieux.christine@epa.gov>
Subject: RE: Hagens FOIA requests

Good afternoon, everyone. On our June 6, 2018 telephone conference, we agreed that EPA will propose search terms and custodian limitations to narrow two of our FOIA requests. I haven't seen a list yet. Do you still plan to send these?

Jessica Thompson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9335

-----Original Appointment-----

From: Meekins, Tanya <Meekins.Tanya@epa.gov>
Sent: Wednesday, June 6, 2018 11:22 AM
To: Cullen, Daniel; Healy, Stephen; Zaremski, Sara; Wright, DavidA; Davis, Julian; Jessica Thompson; Shelby Smith
Cc: Wehrly, Linc; Mroz, Jessica; Derieux, Christine
Subject: Hagens FOIA requests
When: Wednesday, June 6, 2018 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: via phone

Here are copies of the FOIAs for discussion..

Conference call in number is Ex. 6 Personal Privacy (PP)

Conference ID is Ex. 6 Personal Privacy (PP)

Message

From: Jessica Thompson [jessicat@hbsslaw.com]
Sent: 6/25/2018 11:04:48 PM
To: Meekins, Tanya [Meekins.Tanya@epa.gov]; Cullen, Daniel [Cullen.Daniel@epa.gov]; Healy, Stephen [healy.stephen@epa.gov]; Zaremski, Sara [zaremski.sara@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Davis, Julian [davis.julian@epa.gov]; Shelby Smith [shelby@hbsslaw.com]
CC: Wehrly, Linc [wehrly.linc@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Derieux, Christine [derieux.christine@epa.gov]
Subject: RE: Hagens FOIA requests

Good afternoon, everyone. On our June 6, 2018 telephone conference, we agreed that EPA will propose search terms and custodian limitations to narrow two of our FOIA requests. I haven't seen a list yet. Do you still plan to send these?

Jessica Thompson | **Hagens Berman Sobol Shapiro LLP** | Direct: (206) 268-9335

-----Original Appointment-----

From: Meekins, Tanya <Meekins.Tanya@epa.gov>
Sent: Wednesday, June 6, 2018 11:22 AM
To: Cullen, Daniel; Healy, Stephen; Zaremski, Sara; Wright, DavidA; Davis, Julian; Jessica Thompson; Shelby Smith
Cc: Wehrly, Linc; Mroz, Jessica; Derieux, Christine
Subject: Hagens FOIA requests
When: Wednesday, June 6, 2018 2:30 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: via phone

Here are copies of the FOIAs for discussion..

Conference call in number is Ex. 6 Personal Privacy (PP)

Conference ID is Ex. 8 Personal Privacy (PP)

Appointment

From: Meekins, Tanya [Meekins.Tanya@epa.gov]
Sent: 6/6/2018 6:22:13 PM
To: Meekins, Tanya [Meekins.Tanya@epa.gov]; Cullen, Daniel [Cullen.Daniel@epa.gov]; Healy, Stephen [healy.stephen@epa.gov]; Zaremski, Sara [zaremski.sara@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Davis, Julian [davis.julian@epa.gov]; Jessica Thompson [jessicat@hbsslaw.com]; Shelby Smith [shelby@hbsslaw.com]
CC: Wehrly, Linc [wehrly.linc@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Derieux, Christine [derieux.christine@epa.gov]
Subject: Hagens FOIA requests
Attachments: 2018-004818_incoming.pdf; 2018-004819_incoming.pdf; 2018-005071_incoming.pdf; 2018-005072_incoming.pdf
Location: via phone

Start: 6/6/2018 6:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Busy

Here are copies of the FOIAs for discussion..

Conference call in number is Ex. 6 Personal Privacy (PP)

Conference ID is Ex. 6 Personal Privacy (PP)

Request Details

Request Type : FOIA

Status : Assignment Determination Due Date : 03/26/2018

1

Submitted Evaluation Assignment Processing Closed

Request Details

Tracking Number : EPA-HQ-2018-004818	Submitted Date : 02/23/2018
Requester : Jessica Thompson	Perfected Date : 02/26/2018
Organization : Hagens Berman Sobol Shapiro LLP	Last Assigned Date : 02/26/2018
Requester Has Account : No	Fee Limit : \$25.00
Email Address : jessicat@hbsslaw.com	Request Track : Complex
Phone Number : 206-268-9335	Due Date : 03/26/2018
Fax Number : N/A	Assigned To : Office of Transportation and Air Quality
Address : 1918 8th Ave. Suite 3300	Last Assigned By : Maria Carroll (Office of Air and Radiation)
City : Seattle	
State/Province : WA	
Zip Code/Postal Code : 98101	

Submission Details**Request Handling**

Requester Info Available to the Public : Yes	Request Perfected : Yes
Request Track : Complex	Perfected Date : 02/26/2018
Fee Category : Commercial	Acknowledgement Sent Date :
Fee Waiver Requested: No	Unusual Circumstances ? : No
Fee Waiver Status: N/A	5 Day Notifications: No
Expedited Processing Requested : No	Litigation : No
Expedited Processing Status : N/A	* Litigation Court Docket Number :

Request Description

Short Description : N/A

Please see the attached letter.

Description Available to the Public : Yes

Has Description Been Modified? No

Attached Supporting Files

Attachments Available to the Public : Yes

Attached File	Type	Size (MB)	Remove
Chevy Cruze EPA FOIA letter.pdf	PDF	0.16	



HAGENS BERMAN

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1818 EIGHTH AVENUE, SUITE 3300
SEATTLE, WA 98101
www.hbslaw.com
Direct (206) 268-9320
steve@hbslaw.com

February 23, 2018

BY EMAIL

FOIA Public Liaison
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, *et seq.*, we request access to and copies of documents that are filed with, retained by, or prepared by the U.S. Environmental Protection Agency as enumerated below ("the Records"). This request is ongoing, seeking copies of (or access to) all Records as they are filed with the EPA. We are further requesting that the Records be provided to us on computer files or, if not maintained on computer files, in the same format as they are currently maintained at the EPA.

1. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at General Motors, LLC regarding a technology that turns off emission controls in diesel-equipped Chevy Cruze models for sale in the U.S. in the model years 2014-2018. We are requesting correspondence covering the period from January 1, 2011, to the present.
2. Copies of disclosures made by General Motors, LLC to the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped Chevy Cruze models for sale in the U.S. in the model years 2014-2018.
3. Copies of documents reflecting any deficiencies granted to General Motors, LLC by the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped Chevy Cruze models for sale in the U.S. in the model years 2014-2018.
4. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at General Motors, LLC

Cruze Diesel EPA FOIA Request
February 23, 2018
Page 2

regarding emissions testing and performance of Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.

5. Documents reflecting the results of confirmatory testing conducted by EPA to verify emissions data submitted by General Motors, LLC in connection with Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
6. Documents reflecting the results of in-use testing (testing that occurs after the vehicles or engines have been certified and after they have been in customer service for some period of time) conducted by EPA in connection with Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
7. Documents reflecting the results of any other post-certification testing conducted by EPA in connection with Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
8. Copies of GM Voluntary Emissions Recall Reports (VERRs) submitted to date concerning the 2014-2015 Chevy Cruze Diesel vehicles, and Defect Reports and Emissions Service Actions accompanying or associated with each such VERR.
9. All correspondence with the law firms Crowell & Moring LLP, Dykema Gossett, and Kirkland & Ellis LLP concerning Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
10. All correspondence with any law firm or lobbying organization concerning Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
11. All communications with West Virginia University's (WVU) Center for Alternative Fuels, Engines & Emissions or the International Council on Clean Transportation concerning emissions testing and performance of Chevy Cruze diesel models for sale in the U.S. in the model years 2014-2018.
12. Letters, emails or other correspondence after January 1, 2011, located in: (1) Office of Transportation and Air Quality; (2) Diesel Engine Compliance Center, Compliance Division, Air Enforcement Division Office of Civil Enforcement containing the terms "General Motors" or "GM" or "Cruze" or "LUZ" or "DISC."
13. Calendar entries and minutes for meetings or telephone calls between EPA officials and General Motors, LLC officials covering the period from January 1, 2011, to the present.

Cruze Diesel EPA FOIA Request
February 23, 2018
Page 3

FOIA requires that your agency respond to this request for information within 20 business days of receipt of this letter. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. In the event that this request yields a large volume of responsive material, we further ask that you provide the records on a rolling basis as they are located, rather than waiting to make one release.

Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records. Please contact us if we may assist in your office's response to this request.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP



Steve W. Berman

SWB:ar

Request Details

Request Type : FOIA

Status : Assignment Determination Due Date : 03/26/2018

1

**Request Details**

Tracking Number : EPA-HQ-2018-004819	Submitted Date : 02/23/2018
Requester : Jessica Thompson	Perfected Date : 02/26/2018
Organization : Hagens Berman Sobol Shapiro LLP	Last Assigned Date : 02/26/2018
Requester Has Account : No	Fee Limit : \$25.00
Email Address : jessicat@hbsslaw.com	Request Track : Complex
Phone Number : 206-268-9335	Due Date : 03/26/2018
Fax Number : N/A	Assigned To : Office of Transportation and Air Quality
Address : 1918 8th Ave. Suite 3300	Last Assigned By : Maria Carroll (Office of Air and Radiation)
City : Seattle	
State/Province : WA	
Zip Code/Postal Code : 98101	

Submission Details**Request Handling**

Requester Info Available to the Public : Yes	Request Perfected : Yes
Request Track : Complex	Perfected Date : 02/26/2018
Fee Category : Commercial	Acknowledgement Sent Date :
Fee Waiver Requested: No	Unusual Circumstances ? : No
Fee Waiver Status: N/A	5 Day Notifications: No
Expedited Processing Requested : No	Litigation : No
Expedited Processing Status : N/A	* Litigation Court Docket Number :

Request Description

Short Description : N/A

Please see attached letter.

Description Available to the Public : Yes

Has Description Been Modified? No

Attached Supporting Files

Attachments Available to the Public : Yes

Attached File	Type	Size (MB)	Remove
Duramax Diesel EPA FOIA letter.pdf	PDF	0.16	

**HAGENS BERMAN**

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 EIGHTH AVENUE, SUITE 3300
SEATTLE, WA 98101
www.hbslaw.com
Direct (206) 268-9320
steve@hbslaw.com

February 23, 2018

BY EMAIL

FOIA Public Liaison
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. Section 552, *et seq.*, we request access to and copies of documents that are filed with, retained by, or prepared by the U.S. Environmental Protection Agency as enumerated below ("the Records"). This request is ongoing, seeking copies of (or access to) all Records as they are filed with the EPA. We are further requesting that the Records be provided to us on computer files or, if not maintained on computer files, in the same format as they are currently maintained at the EPA.

1. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at General Motors, LLC regarding a technology that turns off emission controls in diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks. We are requesting correspondence covering the period from January 1, 2009, to the present.
2. Copies of disclosures made by General Motors, LLC to the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
3. Copies of documents reflecting any deficiencies granted to General Motors, LLC by the EPA concerning Auxiliary Emissions Control Devices in diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.

Duramax Diesel EPA FOIA Request
February 23, 2018
Page 2

4. Copies of e-mails and documents sent between the Environmental Protection Agency (including the Office of Air & Radiation and the Office of Transportation & Air Quality) and employees, executives or directors at General Motors, LLC regarding emissions testing and performance of diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
5. Documents reflecting the results of confirmatory testing conducted by EPA to verify emissions data submitted by General Motors, LLC in connection with diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
6. Documents reflecting the results of in-use testing (testing that occurs after the vehicles or engines have been certified and after they have been in customer service for some period of time) conducted by EPA in connection with diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
7. Documents reflecting the results of any other post-certification testing conducted by EPA in connection with diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
8. Copies of GM Voluntary Emissions Recall Reports (VERRs) submitted to date concerning the diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks, and Defect Reports and Emissions Service Actions accompanying or associated with each such VERR.
9. All correspondence with the law firms Crowell & Moring LLP, Dykema Gossett, and Kirkland & Ellis LLP concerning diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
10. All correspondence with any law firm or lobbying organization concerning diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.
11. All communications with West Virginia University's (WVU) Center for Alternative Fuels, Engines & Emissions or the International Council on Clean Transportation concerning emissions testing and performance of diesel-equipped model year 2011-2016 GM Sierra 2500HD and 3500 HD trucks and GM Silverado 2500 HD and 3500 HD trucks.

Duramax Diesel EPA FOIA Request
February 23, 2018
Page 3

12. Letters, emails or other correspondence after January 1, 2009, located in: (1) Office of Transportation and Air Quality; (2) Diesel Engine Compliance Center, Compliance Division, Air Enforcement Division Office of Civil Enforcement containing the terms "General Motors" or "GM" or "Sierra" or "Silverado" or "Duramax."
13. Calendar entries and minutes for meetings or telephone calls between EPA officials and General Motors, LLC officials covering the period from January 1, 2009, to the present.

FOIA requires that your agency respond to this request for information within 20 business days of receipt of this letter. This request is segregable, and your agency may not withhold entire records because of one section that you believe is exempt from disclosure. In the event that this request yields a large volume of responsive material, we further ask that you provide the records on a rolling basis as they are located, rather than waiting to make one release.

Under federal law, if you choose to withhold any such parts of the records from disclosure, you must specify in a written response the factual and legal basis for withholding any part of the Records. Please contact us if we may assist in your office's response to this request.

Sincerely,

HAGENS BERMAN SOBOL SHAPIRO LLP



Steve W. Berman

SWB:ar

Appointment

From: Meekins, Tanya [Meekins.Tanya@epa.gov]
Sent: 6/6/2018 6:22:13 PM
To: Cullen, Daniel [Cullen.Daniel@epa.gov]; Healy, Stephen [healy.stephen@epa.gov]; Zaremski, Sara [zaremski.sara@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Davis, Julian [davis.julian@epa.gov]; Jessica Thompson [jessicat@hbsslaw.com]; Shelby Smith [shelby@hbsslaw.com]
CC: Wehrly, Linc [wehrly.linc@epa.gov]; Mroz, Jessica [mroz.jessica@epa.gov]; Derieux, Christine [derieux.christine@epa.gov]
Subject: Hagens FOIA requests
Attachments: 2018-004818_incoming.pdf; 2018-004819_incoming.pdf; 2018-005071_incoming.pdf; 2018-005072_incoming.pdf
Location: via phone
Start: 6/6/2018 6:30:00 PM
End: 6/6/2018 7:00:00 PM
Show Time As: Tentative

Here are copies of the FOIAs for discussion..

Conference call in number is [Ex. 6 Personal Privacy (PP)]

Conference ID is [Ex. 6 Personal Privacy (PP)]

Appointment

From: Cullen, Daniel [Cullen.Daniel@epa.gov]
Sent: 7/9/2018 5:56:15 PM
To: Bunker, Byron [bunker.byron@epa.gov]

Subject: Accepted: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)

Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Busy

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/3/2018 4:12:01 PM
To: Bunker, Byron [bunker.byron@epa.gov]; Wehrly, Linc [wehrly.linc@epa.gov]; Ball, Joel [ball.joel@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Cullen, Daniel [cullen.daniel@epa.gov]
Subject: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)
Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Busy

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/3/2018 4:12:04 PM
To: Wehrly, Linc [wehrly.linc@epa.gov]; Ball, Joel [ball.joel@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Cullen, Daniel [cullen.daniel@epa.gov]
Subject: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)
Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Tentative

Appointment

From: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE [AA-Room-Office-N125-ConfRoom@epa.gov]
Sent: 4/12/2016 11:42:27 PM
To: Bunker, Byron [bunker.byron@epa.gov]

Subject: Accepted: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE

Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM

Recurrence: (none)

Appointment

From: Wehrly, Linc [wehrly.linc@epa.gov]
Sent: 4/8/2016 11:12:31 AM
To: Bunker, Byron [bunker.byron@epa.gov]

Subject: Accepted: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N120-VideoRoom/AA-OTAQ-OFFICE

Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM
Show Time As: Busy

Message

Sent: 6/25/2019 3:03:23 PM
To: Wright, DavidA [Wright.DavidA@epa.gov]
CC: Cullen, Daniel [cullen.daniel@epa.gov]; Zaremski, Sara [zaremski.sara@epa.gov]
Subject: FW: GM FOIA Request re Cruze & Duramax Diesel Vehicles
Attachments: 2019_06_18 Cruze Duramax FOIA Request.pdf

Hi David,

I assume we have or will soon get the attached FOIA request sent to us through the normal process from Tanya. When we have it, I would like to have a brief discussion about how we can

Byron Bunker
 Director Compliance Division
 Office of Transportation and Air Quality
 Environmental Protection Agency
 2000 Traverwood Drive
 Ann Arbor, MI 48105
 Bunker.Byron@epa.gov
 Phone: (734) 214-4155
 Mobile: (734) 353-9623

From: Smith, Renee D. <rdsmith@kirkland.com>
Sent: Wednesday, June 19, 2019 9:35 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: GM FOIA Request re Cruze & Duramax Diesel Vehicles

Dear Mr. Bunker,

Please see the attached Freedom of Information Act request regarding certain Cruze & Duramax Diesel vehicles. Please let me know if I can provide any additional information or if we can minimize any burdens in responding to this request.

Thank you,
 Renee

Renee D. Smith

KIRKLAND & ELLIS LLP
 300 North LaSalle, Chicago, IL 60654
 T +1 312 862 2310 M +1 312 375 2176
 F +1 312 862 2200

renee.smith@kirkland.com

The information contained in this communication is confidential, may be attorney-client privileged, may constitute inside information, and is intended only for the use of the addressee. It is the property of Kirkland & Ellis LLP or Kirkland & Ellis International LLP. Unauthorized use, disclosure or copying of this communication or any part thereof is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by return email or by email to postmaster@kirkland.com, and destroy this communication and all copies thereof, including all attachments.

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/3/2018 4:12:01 PM
To: Bunker, Byron [bunker.byron@epa.gov]; Wehrly, Linc [wehrly.linc@epa.gov]; Ball, Joel [ball.joel@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Cullen, Daniel [cullen.daniel@epa.gov]
Subject: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)
Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Busy

Conference call with Brad to hear about their diesel PEMs testing

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 9/11/2018 8:18:07 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Can you be available to talk today at 5:00?

Byron: just wanted to make sure you are calling us. (510)338-3243.

I know you are busy. We are here.

Brad Edgar
(510) 789-9917

On Sep 10, 2018, at 7:57 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Thanks Brad.

I will plan to call you. It may be a few minutes after 5 if my 4 PM meeting runs long.

Thanks,

Byron

Byron Bunker
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Environmental Protection Agency
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Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [<mailto:brad.edgar@44energytech.com>]
Sent: Monday, September 10, 2018 10:32 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Re: Can you be available to talk today at 5:00?

Yes. That would be great. Let me know if you like us to cal you. Otherwise can call at (510) 338-3243

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608

<image001.png>

On Sep 10, 2018, at 5:57 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Brad,

Can you make time for a follow up discussion today at 5:00 PM EDT?

Thanks,

Byron

Byron Bunker
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2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 9/10/2018 2:31:53 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Can you be available to talk today at 5:00?
Attachments: PastedGraphic-1.tiff

Yes. That would be great. Let me know if you like us to cal you. Otherwise can call at (510) 338-3243

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

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4055 Linden Street
Oakland, CA 94608



On Sep 10, 2018, at 5:57 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Brad,

Can you make time for a follow up discussion today at 5:00 PM EDT?

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 9/6/2018 4:13:06 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Diesel Discussion
Attachments: PastedGraphic-1.tiff

Byron: Just checking in to see if you have come up with any direction or response per the topic we discussed last week. I'm available by phone or e-mail today.

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Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 8/10/2018 1:05:01 AM
To: Bunker, Byron [bunker.byron@epa.gov]
CC: Juston Smithers [juston.smithers@44energytech.com]
Subject: Re: Follow Up to our phone call
Attachments: PastedGraphic-1.tiff

Byron: I'm just back in the office after a few days off. Checking in to see if you've had a chance to review our letter.

Thanks,

Brad

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On Jul 31, 2018, at 2:16 PM, Brad Edgar <brad.edgar@44energytech.com> wrote:

Byron:

Thank you for taking my call yesterday. As follow up, we put together a letter with a couple of requests and well as a little more background on us and our test work. I've also included the legal complaint against BMW filed by our client.

Please feel free to share with your colleagues and please don't hesitate to contact me if you have questions or if you need more information.

Brad

<Correspondance from 44 Energy 07-31-2018.pdf>

<hagens_berman_bmw_emissions_amended_complaint_041918.pdf>

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<PastedGraphic-1.tiff>

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 7/25/2018 6:30:53 PM
To: Bunker, Byron [bunker.byron@epa.gov]
CC: Juston Smithers [juston.smithers@44energytech.com]
Subject: Follow Up Documents
Attachments: Emission Test Summary for Diesels.pdf; PastedGraphic-1.tiff

Byron: Our client just cleared us to share some information with you. Attached are two documents:

1. SAE paper on the Ford 6.7L PowerStroke engine. Discussion of how same basic engine can be configured to meet both the easier chassis cycle and more difficult engine dyno cycle.
2. Summary of PEMS (and some chassis dyno) testing of a variety of engines. It's a little hard to rank order them from worst to least work, but we do highlight the emission results and discuss some of the defeat device behavior observed.

Let us know if you have any questions.

Thanks,

Brad

The New Ford 6.7L V-8 Turbocharged Diesel Engine

2010-01-1101

Published
04/12/2010

Scott Deraad, Brien Fulton, Adam Gryglak, Brian Hallgren, Anthony Hudson, David Ives, Patrick Morgan, Joshua Styron and Ed Waszczenko
Ford Motor Co.

Ian Cattermole
AVL Powertrain Engineering Inc.

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doi:10.4271/2010-01-1101

ABSTRACT

A new diesel engine, called the 6.7L Power Stroke® V-8 Turbocharged Diesel, and code named "Scorpion" has been designed and developed by Ford Motor Company for the full-size pickup truck and light commercial vehicle markets. It incorporates the latest design technology to meet 2010 model year emission regulations for both chassis and dynamometer based certifications, and is compatible with up to B20 biodiesel fuel. The engine is an entirely new 90 degree V-8 design featuring inboard exhaust, piezo common rail fuel injection, a new dual compressor wheel turbocharger, and dual loop cooling systems. The 6.7L, shown in Figure 1, is Ford's first diesel engine designed for the North American pickup and light commercial truck market.

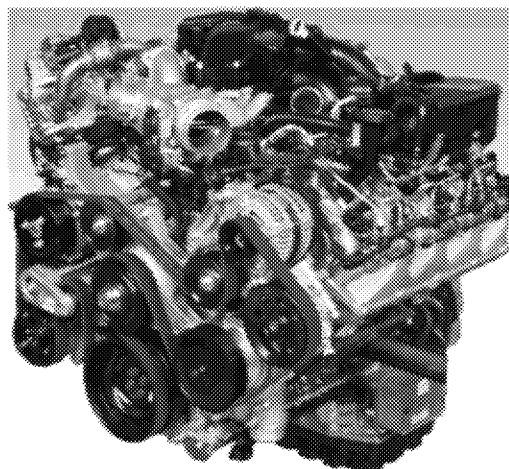


Figure 1. Ford 6.7L Power Stroke® Diesel Engine

INTRODUCTION

Diesel engines have been a large and growing part of the pickup truck and light commercial vehicle market for over 25 years. Ford recently developed several diesels in Europe as the diesel market expanded there. Increasingly complex diesel technology and market competitiveness demanded Ford acquire personnel with diesel specific skills and knowledge. Moreover, the diesel competition is continually improving.

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Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 8/29/2018 8:03:22 PM
To: Bunker, Byron [bunker.byron@epa.gov]
CC: Davis, Theresa [Davis.Theresa@epa.gov]
Subject: Re: Call with Brad Edgar
Attachments: PastedGraphic-1.tiff

Byron: Can we get 5 minutes with you today? A couple of things have changed that could help all of us.

Brad

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Oakland, CA 94608



On Aug 23, 2018, at 5:09 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Theresa,

Can you please follow up with Brad to see if it would be possible to move our call to 10 AM (EDT), 1 PM (EDT), or 2 PM (EDT). I am now doublebooked at 11 with a DOJ meeting I need to keep.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Appointment-----

From: Schmittou, Kim **On Behalf Of** Bunker, Byron

Sent: Thursday, August 16, 2018 4:59 PM

To: Bunker, Byron; brad.edgar@44energytech.com

Subject: Call with Brad Edgar

When: Friday, August 24, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Byron's Office

Brad will call Byron at 734-214-4155.

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 8/27/2018 7:35:36 PM
To: Bunker, Byron [bunker.byron@epa.gov]
CC: Davis, Theresa [Davis.Theresa@epa.gov]
Subject: Follow Up
Attachments: PastedGraphic-1.tiff

Bryon: We head back from our client. Turns out there are some more things going on related to the diesel cases and Chris's comments, which are being used in court documents.

I'm hoping we can schedule a call to review. Juston and I are available all week to talk.

Meanwhile, I'm working on document for you your review which explains things in more detail.

Thanks,

Brad

Bradley L. Edgar, Ph.D.
 CEO
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 +1 510-338-3243 office and facsimile

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 Oakland, CA 94608



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Thanks,

Byron

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Phone: (734) 214-4155

Mobile: (734) 353-9623

-----Original Appointment-----

From: Schmittou, Kim **On Behalf Of** Bunker, Byron

Sent: Thursday, August 16, 2018 4:59 PM

To: Bunker, Byron; brad.edgar@44energytech.com

Subject: Call with Brad Edgar

When: Friday, August 24, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Byron`s Office

Brad will call Byron at 734-214-4155.

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 11/20/2017 3:45:50 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Touching Base
Attachments: PastedGraphic-1.tiff

OK. Thank you. I'll be around.

Brad

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Oakland, CA 94608



On Nov 20, 2017, at 1:29 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Brad,

I am out of the office this week. The question you are asking is a complicated one. Let me discuss with my colleagues when I am back in the office next week, and we will see if we can provide you with a response.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Friday, November 17, 2017 2:48 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Touching Base

Byron:

My apologies for the long silence. Our client asked us to shut down communication for a little while.

We are continuing to perform testing on a variety of diesel engines and I want to bring a finding and a question to your attention.

This is related to emissions on hills, which I believe you mentioned was of interest to you, and a challenge for your own testing given the topology of the Ann Arbor area.

In our PEMS testing of diesels we are noticing almost a step function increase in NOx once the vehicles starts running up a grade of 3% or more. We suspect the EGR valve is turning way down or even closed.

As we thought about this a little more we decided to look at the NOx emissions mapped onto torque(engine load) and speed. What we find is that once the engine is out of the speed/load range of the FTP75 and the HWFET cycles, the NOx goes up by a factor of 10 to 30. We are thinking that unlike the heavy-duty engine dyno test protocols which cover a much broader range of speed and load, along with NTE and other checks, it might be possible to come up with a strategy that offers emissions within the standards while in the 'zone' of test conditions, while increasing them substantially while outside the zone.

The question is how this strategy would be viewed by EPA in terms of being a defeat device? We are aware AECD's could be disclosed based on the need to protect the engine, but I would think revealing the emissions impact would raise eyebrows.

We are happy to provide data and more information as needed.

Thanks,

Brad

Bradley L. Edgar
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608

<image001.png>

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 11/17/2017 7:47:39 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Touching Base
Attachments: PastedGraphic-1.tiff

Byron:

My apologies for the long silence. Our client asked us to shut down communication for a little while.

We are continuing to perform testing on a variety of diesel engines and I want to bring a finding and a question to your attention.

This is related to emissions on hills, which I believe you mentioned was of interest to you, and a challenge for your own testing given the topology of the Ann Arbor area.

In our PEMS testing of diesels we are noticing almost a step function increase in NOx once the vehicles starts running up a grade of 3% or more. We suspect the EGR valve is turning way down or even closed.

As we thought about this a little more we decided to look at the NOx emissions mapped onto torque(engine load) and speed. What we find is that once the engine is out of the speed/load range of the FTP75 and the HWFET cycles, the NOx goes up by a factor of 10 to 30. We are thinking that unlike the heavy-duty engine dyno test protocols which cover a much broader range of speed and load, along with NTE and other checks, it might be possible to come up with a strategy that offers emissions within the standards while in the 'zone' of test conditions, while increasing them substantially while outside the zone.

The question is how this strategy would be viewed by EPA in terms of being a defeat device? We are aware AECD's could be disclosed based on the need to protect the engine, but I would think revealing the emissions impact would raise eyebrows.

We are happy to provide data and more information as needed.

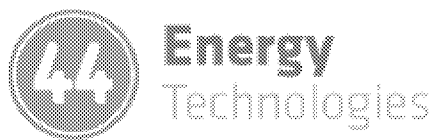
Thanks,

Brad

Bradley L. Edgar
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



Appointment

From: Cullen, Daniel [Cullen.Daniel@epa.gov]
Sent: 7/9/2018 5:56:15 PM
To: Bunker, Byron [bunker.byron@epa.gov]

Subject: Accepted: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)

Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Busy

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 7/2/2018 2:52:48 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Checking In
Attachments: PastedGraphic-1.tiff

Byron:

It's been awhile since we spoke. We continue to do a significant amount expert witness work in this area. I'd be happy to provide you with an update.

Thanks,

Brad

Bradley L. Edgar
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



Appointment

From: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE [AA-Room-Office-N125-ConfRoom@epa.gov]
Sent: 4/12/2016 11:42:27 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Accepted: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE
Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 5/31/2017 1:45:20 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Diesel Testing
Attachments: PastedGraphic-1.tiff

Byron:

If you have a few minutes, I'd like to talk to you about some of the recent testing we've done related to diesel passenger cars and trucks.

Thank you,

Bradley L. Edgar
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

1001 42nd Street, Suite 200
Oakland, CA 94608



Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 9/29/2016 12:13:58 AM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Time to talk

Byron:

I wanted to follow up with you again on our testing methodology. I've talked with my partner Juston Smithers who is really leading our test efforts. He feels confident we are processing the data correctly. We are using a PEMS from Sensors, Inc. in Saline, MI and our manual calculations square with their internal calculations.

That said, I wonder if it might be worthwhile to have someone your team talk with Juston and myself to be sure we aren't over looking something.

We are probably much more available than you or your team, so if you want to propose a time to talk, we'd likely be able to accommodate your schedule.

Thank you,

Brad

Bradley L. Edgar, Ph.D.
 CEO
 44 Energy Technologies, Inc.
www.44energytech.com
 (510) 789-9917

On Aug 26, 2016, at 8:28 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Brad,

I wanted to follow up with you on one technical aspect of your testing. When you are calculating the emissions rates, are you averaging the g/mile numbers that are calculated second by second or are you weighting those values based on the distance traveled for each sampling interval? I suppose one other way would be to time integrate emissions and time integrate distance and then present that ratio for some period of time.

I got a briefing the other day that showed that a significant error could be introduced if the values were time averaged rather than distance averaged. I thought I should check to confirm how your team is doing it.

I am out on vacation today through Labor Day. I can follow up with you when I am back.

Thanks,

Byron

Byron Bunker
 Director Compliance Division
 Office of Transportation and Air Quality
 Environmental Protection Agency
 2000 Traverwood Drive
 Ann Arbor, MI 48105
Bunker.Byron@epa.gov
 Phone: (734) 214-4155
 Mobile: (734) 353-9623

-----Original Message-----

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
 Sent: Thursday, July 07, 2016 7:05 PM
 To: Bunker, Byron <bunker.byron@epa.gov>
 Subject: Re: Time to talk

Byron: I have a quick update and follow up for you. Do you have a moment to talk tomorrow (Friday 7/8)?

Thanks,

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies, Inc.
www.44energytech.com
(510) 789-9917

On Jun 22, 2016, at 6:09 PM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Thanks Brad. I will give you a ring.

Sent from my iPhone

> On Jun 22, 2016, at 8:44 PM, Brad Edgar <brad.edgar@44energytech.com> wrote:

>

> Byron:

>

> I'm sorry I missed your call. I was on a plane this afternoon.

>

> I'm available tomorrow from 8 am to 12 noon your time. If you try my cell phone I should be available, if I missed your call, I'll get right back to you.

>

> Brad

>

> Bradley L. Edgar, Ph.D.

> CEO

> 44 Energy Technologies, Inc.

> www.44energytech.com

> (510) 789-9917

>

Appointment

From: Wehrly, Linc [wehrly.linc@epa.gov]
Sent: 4/8/2016 11:12:31 AM
To: Bunker, Byron [bunker.byron@epa.gov]

Subject: Accepted: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N120-VideoRoom/AA-OTAQ-OFFICE

Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM
Show Time As: Busy

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 7/7/2016 11:05:01 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Time to talk

Byron: I have a quick update and follow up for you. Do you have a moment to talk tomorrow (Friday 7/8)?

Thanks,

Brad

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> Brad
>
> Bradley L. Edgar, Ph.D.
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> 44 Energy Technologies, Inc.
> www.44energytech.com
> (510) 789-9917
>

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 9/2/2016 3:09:42 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Time to talk

Byron:

I look forward to following up with you after labor day. I check with our team and we are processing the data correctly. You are correct that we need to sum the g/m rather than the g/s when we are integrating our samples. We are doing this.

We're happy to provide you with an update at your convenience.

Brad

Bradley L. Edgar, Ph.D.
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 44 Energy Technologies, Inc.
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Hi Brad,

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I got a briefing the other day that showed that a significant error could be introduced if the values were time averaged rather than distance averaged. I thought I should check to confirm how your team is doing it.

I am out on vacation today through Labor Day. I can follow up with you when I am back.

Thanks,

Byron

 Byron Bunker
 Director Compliance Division
 Office of Transportation and Air Quality
 Environmental Protection Agency
 2000 Traverwood Drive
 Ann Arbor, MI 48105
 Bunker.Byron@epa.gov
 Phone: (734) 214-4155
 Mobile: (734) 353-9623

-----Original Message-----

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
 Sent: Thursday, July 07, 2016 7:05 PM
 To: Bunker, Byron <bunker.byron@epa.gov>
 Subject: Re: Time to talk

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> Bradley L. Edgar, Ph.D.

> CEO

> 44 Energy Technologies, Inc.

> www.44energytech.com

> (510) 789-9917

>

Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 8/26/2016 3:44:07 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Re: Time to talk

Byron: I' ll check with our team on this and get back to you. Thank you for bringing this to my attention. It' s a good thing to make sure we are doing it correctly.

Brad

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 CEO
 44 Energy Technologies, Inc.
 www.44energytech.com
 (510) 789-9917

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Message

From: Brad Edgar [brad.edgar@44energytech.com]
Sent: 6/23/2016 12:44:42 AM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: Time to talk

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Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies, Inc.
www.44energytech.com
(510) 789-9917

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 9/10/2018 2:57:03 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Can you be available to talk today at 5:00?

Thanks Brad.

I will plan to call you. It may be a few minutes after 5 if my 4 PM meeting runs long.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Monday, September 10, 2018 10:32 AM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Re: Can you be available to talk today at 5:00?

Yes. That would be great. Let me know if you like us to cal you. Otherwise can call at (510) 338-3243

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



On Sep 10, 2018, at 5:57 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Brad,

Can you make time for a follow up discussion today at 5:00 PM EDT?

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 11/20/2017 9:29:10 AM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Touching Base

Hi Brad,

I am out of the office this week. The question you are asking is a complicated one. Let me discuss with my colleagues when I am back in the office next week, and we will see if we can provide you with a response.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Friday, November 17, 2017 2:48 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Subject: Touching Base

Byron:

My apologies for the long silence. Our client asked us to shut down communication for a little while.

We are continuing to perform testing on a variety of diesel engines and I want to bring a finding and a question to your attention.

This is related to emissions on hills, which I believe you mentioned was of interest to you, and a challenge for your own testing given the topology of the Ann Arbor area.

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We are happy to provide data and more information as needed.

Thanks,

Brad

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4055 Linden Street
Oakland, CA 94608



Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/14/2018 7:54:17 PM
To: Brad Edgar [brad.edgar@44energytech.com]; Davis, Theresa [Davis.Theresa@epa.gov]
CC: Juston Smithers [juston.smithers@44energytech.com]
Subject: RE: Follow Up to our phone call

Hi Theresa,

Can you please work with Mr. Edgar to put a conference call on my calendar? I think the call should take about 30 minutes, but let's look for an hour block so that we aren't time limited.

I can provide a call-in number or directly dial 44 Energy whichever the company would prefer.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Thursday, August 09, 2018 9:05 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Juston Smithers <juston.smithers@44energytech.com>
Subject: Re: Follow Up to our phone call

Byron: I'm just back in the office after a few days off. Checking in to see if you've had a chance to review out letter.

Thanks,

Brad

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44 Energy Technologies | www.energytech.com

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4055 Linden Street
Oakland, CA 94608



On Jul 31, 2018, at 2:16 PM, Brad Edgar <brad.edgar@44energytech.com> wrote:

Byron:

Thank you for taking my call yesterday. As follow up, we put together a letter with a couple of requests and well as a little more background on us and our test work. I've also included the legal complaint against BMW filed by our client.

Please feel free to share with your colleagues and please don't hesitate to contact me if you have questions or if you need more information.

Brad

<Correspondance from 44 Energy 07-31-2018.pdf>

<hagens_berman_bmw_emissions_amended_complaint_041918.pdf>

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Oakland, CA 94608

<PastedGraphic-1.tiff>

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 7/3/2018 4:12:04 PM
To: Wehrly, Linc [wehrly.linc@epa.gov]; Ball, Joel [ball.joel@epa.gov]; Wright, DavidA [Wright.DavidA@epa.gov]; Cullen, Daniel [cullen.daniel@epa.gov]
Subject: Call with Brad Edgar 44 Energy Technologies
Location: N12 (Byron's Office)
Start: 7/9/2018 8:00:00 PM
End: 7/9/2018 9:00:00 PM
Show Time As: Tentative

Conference call with Brad to hear about their diesel PEMs testing

Message

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 8/26/2016 3:28:33 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Time to talk

Hi Brad,

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-----Original Message-----

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
 Sent: Thursday, July 07, 2016 7:05 PM
 To: Bunker, Byron <bunker.byron@epa.gov>
 Subject: Re: Time to talk

Byron: I have a quick update and follow up for you. Do you have a moment to talk tomorrow (Friday 7/8)?

Thanks,

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Thanks Brad. I will give you a ring.

Sent from my iPhone

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>

> Byron:

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> I'm sorry I missed your call. I was on a plane this afternoon.

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>
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> www.44energytech.com
> (510) 789-9917
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Message

From: Bunker, Byron [bunker.byron@epa.gov]
Sent: 6/23/2016 1:09:40 AM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: Re: Time to talk

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Sent from my iPhone

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Sent: 4/12/2016 11:42:24 PM
To: Wehrly, Linc [wehrly.linc@epa.gov]; Ball, Joel [ball.joel@epa.gov]
BCC: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE [AA-Room-Office-N125-ConfRoom@epa.gov]
Subject: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE
Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM
Show Time As: Tentative

Appointment

From: Bunker, Byron [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDF7BCF023D241A9A477A2DC75D5901C-BUNKER, BYRON]
Sent: 4/12/2016 11:42:23 PM
BCC: AA-Room-Office-N120-VideoRoom/AA-OTAQ-OFFICE [AA-Room-Office-N120-VideoRoom@epa.gov]
Subject: Canceled: Meeting with Brad Edgar of 44 Energy Technologies
Location: AA-Room-Office-N125-ConfRoom/AA-OTAQ-OFFICE
Start: 4/13/2016 2:00:00 PM
End: 4/13/2016 3:00:00 PM
Show Time As: Free
Importance: High

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 4/13/2016 1:41:11 PM
To: Patterson, Susan [Patterson.Susan@epa.gov]; OAR-OTAQ-CD (AA) [OAROTAQCD_AA@epa.gov]; OAR-OTAQ-CD (DC) [OAROTAQCD_DC@epa.gov]; Bradish, Tracey [bradish.tracey@epa.gov]; Choi, Jake [Choi.Jake@epa.gov]; Cohen, Janet [cohen.janet@epa.gov]; Cook, Leila [cook.leila@epa.gov]; Derksen, Kimberly [derksen.kimberly@epa.gov]; Fearnside, Judy [Fearnside.Judy@epa.gov]; Hantman, Irene [Hantman.Irene@epa.gov]; Hummer, Greg [Hummer.Greg@epa.gov]; Irving, Sheila [irving.sheila@epa.gov]; Jackson, Cleophas [jackson.cleophas@epa.gov]; Johnson, Francene [Johnson.Francene@epa.gov]; Kim, Jung [Kim.Jung@epa.gov]; Manners, Mary [manners.mary@epa.gov]; McSwain, Deborah [McSwain.Deborah@epa.gov]; Soth, Judith [Soth.Judith@epa.gov]; Stewart, Gwen [Stewart.Gwen@epa.gov]; Wasenko, Barbara [Wasenko.Barbara@epa.gov]; Wehrly, Linc [wehrly.linc@epa.gov]; Weihrauch, John [Weihrauch.John@epa.gov]; Wilson, Donna [Wilson.Donna@epa.gov]
Subject: Compliance Division Director's Calendar Wednesday, April 13, 2016

Byron Bunker's Calendar Wednesday, April 13, 2016

9:00 AM- 9:30 AM	IO Daily Staff Meeting AA Rm. N 120; DC Rm. ARN5528p20
10:00 AM- 11:00 AM	Meeting w/ Brad Edgar of 44 Energy Technologies AA Rm. N 125
11:00 AM- 12:00 PM	HD Phase 2 Trailer Decisions Call In: Ex. 6 Conference Line Number
12:00 PM – 1:00 PM	NVFEL Pollinator Brown Bag Lab Conf. Rm. 601C
1:00 PM- 2:00 PM	RFS Decision Update AA Rm. N 120
2:00 PM – 3:00 PM	SLT Meeting AA Rm. C 174/DC Rm. 6520 Conference Line: Ex. 6 Conference Line Number
2:30 PM-7:00 PM	CARB/EPA/VW Technical Meeting Appendix B AA Rm. C 35

INFORMATIONAL

AA

Cohen, Janet
 Daly, Alan
 Danzeisen, Karen

DC

Hantman, Irene
 Lallo, Yolanda
 Oeler, Larry

Davis, Julian

French, Roberts-Flex Ex. 6 Personal Privacy (PP)

French, Roberts-12:00-3:00 PM

Giuliano, Julia-Flex Ex. 6 Personal Privacy (PP)

Liebner, Bernd 2:30-6:00 PM

Mikolajczyk, Christine

Peavyhouse, Robert

Piotrowski, Greg

Poirier, Christi

Schaefer, Ron

Somoza, Sandra

Zaremski, Sara

Best Regards,

Theresa Davis

Technical Support Specialist

USEPA Compliance Division, OTAQ

Serving EPA through SSAI

(734) 214-4540 phone (734) 214-4053 fax

"Many receive advice, only the wise profit from it".

Harper Lee-author

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 8/15/2018 12:19:29 PM
To: Bunker, Byron [bunker.byron@epa.gov]
Subject: RE: Follow Up to our phone call

Will do. Just sent him some dates and times.

*Theresa Davis
 Technical Support Specialist
 USEPA Compliance Division, OTAQ
 Serving EPA through SSAI
 (734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*



*The best things in life are the people
 we love, the places we've seen, and the memories
 we've made along the way.*

From: Bunker, Byron
Sent: Tuesday, August 14, 2018 3:54 PM
To: Brad Edgar <brad.edgar@44energytech.com>; Davis, Theresa <Davis.Theresa@epa.gov>
Cc: Juston Smithers <juston.smithers@44energytech.com>
Subject: RE: Follow Up to our phone call

Hi Theresa,

Can you please work with Mr. Edgar to put a conference call on my calendar? I think the call should take about 30 minutes, but let's look for an hour block so that we aren't time limited.

I can provide a call-in number or directly dial 44 Energy whichever the company would prefer.

Thanks,

Byron

Byron Bunker
 Director Compliance Division
 Office of Transportation and Air Quality
 Environmental Protection Agency
 2000 Traverwood Drive
 Ann Arbor, MI 48105
Bunker.Byron@epa.gov
 Phone: (734) 214-4155
 Mobile: (734) 353-9623

From: Brad Edgar [<mailto:brad.edgar@44energytech.com>]
Sent: Thursday, August 09, 2018 9:05 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Juston Smithers <juston.smithers@44energytech.com>
Subject: Re: Follow Up to our phone call

Byron: I'm just back in the office after a few days off. Checking in to see if you've had a chance to review our letter.

Thanks,

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



On Jul 31, 2018, at 2:16 PM, Brad Edgar <brad.edgar@44energytech.com> wrote:

Byron:

Thank you for taking my call yesterday. As follow up, we put together a letter with a couple of requests and well as a little more background on us and our test work. I've also included the legal complaint against BMW filed by our client.

Please feel free to share with your colleagues and please don't hesitate to contact me if you have questions or if you need more information.

Brad

<Correspondance from 44 Energy 07-31-2018.pdf>

<hagens_berman_bmw_emissions_amended_complaint_041918.pdf>

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<PastedGraphic-1.tiff>

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Sent: 8/15/2018 12:18:42 PM
To: brad.edgar@44energytech.com
Subject: Follow Up to our phone call meeting with Byron Bunker

Hi Mr. Edgar,

Here are some dates/times that work for Byron.

8/17 at 9:00am-12:00pm is open
8/20 at 11am
8/22 at 11am
8/24 1-3pm is open

Let me know what works for you and what call in method you prefer.

Thank you

*Theresa Davis
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Phone: (734) 214-4155
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<Correspondance from 44 Energy 07-31-2018.pdf>

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<PastedGraphic-1.tiff>

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 7/9/2018 1:42:48 PM
To: OAR-OTAQ-CD (AA); OAR-OTAQ-CD (DC); Cook, Leila; Derksen, Kimberly; Johnson, Francene; Kim, Jung; Soth, Judith; Wasenko, Barbara; White, Susan; Stewart, Gwen [Stewart.Gwen@epa.gov]; Barnes, Taryn [Barnes.Taryn@epa.gov]; Meekins, Tanya [Meekins.Tanya@epa.gov]; Bias-Emanuel, Cynthia
Subject: Compliance Director's Calendar for Monday, July 9, 2018

Byron Bunker's Calendar

Monday, July 9, 2018

9:00 AM-9:30 AM	IO Daily Staff Meeting AA Rm. N-158
9:00 AM-12:00 PM	Risk Assessment AA rm. N-66/DC Rm. 5528
10:00 AM-11:00 AM	General with Mary Manners Byron's Office
1:00 PM-2:00 PM	FCDC Monthly Tracking AA Rm. N-120
4:00 PM-5:00 PM	Call with Brad Edgar 44 Energy Technologies Byron's Office

INFORMATIONAL:

AA

Anderson, Tom
 Braham, Kaiya
 Chen, Emily Flex - Ex. 6 Personal Privacy (PP)
 Cohen, Janet
 Gatica, Staci-Detail
 Goldberg, Noah-11:30 AM-5:00 PM
 Good, David
 Jackson, Cle
 Jaros, Evan-9:00am-12:30pm
 Losinski, Brant
 Mazaitis, Vince 12-2:30pm
 Mikolajczyk, Christine-10:00am-12:30pm
 Munir, Sabah
 Schmittou, Kim
 Sohacki, Lynn
 Swain, David
 Vallion, Trina

DC

Dedjinou, Pascal
 Gustafson, Kurt-Travel to Sacrementao
 Lallo, Yolanda
 Le, Madison-Travel to Sacramento
 Master, Barbora-Travel to Sacramento
 Pastorkovich, Anne-Flex - Ex. 6 Personal Privacy (PP)

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 7/9/2018 12:11:14 PM
To: Umstead, Jami [umstead.jami@epa.gov]; Dorwin, Timothy [dorwin.timothy@epa.gov]; Lay, Audrey [lay.audrey@epa.gov]; Soth, Judith [Soth.Judith@epa.gov]; Stewart, Gwen [Stewart.Gwen@epa.gov]
Subject: Byron Bunker's Calendar for Monday July 9th

Byron Bunker's Calendar

Monday, July 9, 2018

9:00 AM-9:30 AM	IO Daily Staff Meeting AA Rm. N-158
9:00 AM-12:00 PM	Risk Assessment AA rm. N-66/DC Rm. 5528
10:00 AM-11:00 AM	General with Mary Manners and Janet Cohen Byron's Office
1:00 PM-2:00 PM	FCDC Monthly Tracking AA Rm. N-120
4:00 PM-5:00 PM	Call with Brad Edgar 44 Energy Technologies Byron's Office
4:00 PM-5:00 PM	PEMS Testing Byron will call Brad-510-338-3243

Theresa Davis
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Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov



*"We don't stop playing because we grow old:
 We grow old because we stop playing."-George Bernard Shaw*

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 8/28/2018 5:35:53 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Follow Up

Got it-will send. I'll have Byron call you. Thanks and have a good rest of the day!

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
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Davis.theresa@epa.gov*



*The best things in life are the people
we love, the places we've seen, and the memories
we've made along the way.*

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Tuesday, August 28, 2018 1:04 PM
To: Davis, Theresa <Davis.Theresa@epa.gov>
Subject: Re: Follow Up

Tomorrow at 12 Eastern time it is.

We can call byron or he can call us at 510-338-3243

Thanks

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



On Aug 28, 2018, at 5:54 AM, Davis, Theresa <Davis.Theresa@epa.gov> wrote:

Good Morning Brad,

Byron has ½ hour available as follows to chat; 8/29 12 noon and 2pm, 8/30 at 12 noon-all ESD. Let me know and I will send out the meeting. Thanks

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*

*<image001.png> The best things in life are the people
we love, the places we've seen, and the memories
we've made along the way.*

From: Brad Edgar [<mailto:brad.edgar@44energytech.com>]
Sent: Monday, August 27, 2018 3:36 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Davis, Theresa <Davis.Theresa@epa.gov>
Subject: Follow Up

Byron: We head back from our client. Turns out there are some more things going on related to the diesel cases and Chris's comments, which are being used in court documents.

I'm hoping we can schedule a call to review. Juston and I are available all week to talk.

Meanwhile, I'm working on document for you your review which explains things in more detail.

Thanks,

Brad

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4055 Linden Street
Oakland, CA 94608

<image002.png>

On Aug 23, 2018, at 5:09 AM, Bunker, Byron <bunker.byron@epa.gov> wrote:

Hi Theresa,

Can you please follow up with Brad to see if it would be possible to move our call to 10 AM (EDT), 1 PM (EDT), or 2 PM (EDT). I am now doublebooked at 11 with a DOJ meeting I need to keep.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

-----Original Appointment-----

From: Schmittou, Kim **On Behalf Of** Bunker, Byron

Sent: Thursday, August 16, 2018 4:59 PM

To: Bunker, Byron; brad.edgar@44energytech.com

Subject: Call with Brad Edgar

When: Friday, August 24, 2018 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Byron's Office

Brad will call Byron at 734-214-4155.

Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 8/28/2018 12:54:43 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Follow Up

Good Morning Brad,

Byron has ½ hour available as follows to chat; 8/29 12 noon and 2pm, 8/30 at 12 noon-all ESD. Let me know and I will send out the meeting. Thanks

*Theresa Davis
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To: Bunker, Byron <bunker.byron@epa.gov>
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To: Bunker, Byron; brad.edgar@44energytech.com

Subject: Call with Brad Edgar

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Where: Byron's Office

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Sent: 8/23/2018 3:19:25 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Time Change

Thanks for being flexible. I will resend the meeting.

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*



*The best things in life are the people
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From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Thursday, August 23, 2018 10:42 AM
To: Davis, Theresa <Davis.Theresa@epa.gov>
Subject: Re: Time Change

Let's do 2 PM tomorrow.

Thanks,

Brad

Bradley L. Edgar, Ph.D.
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4055 Linden Street
Oakland, CA 94608



On Aug 23, 2018, at 5:39 AM, Davis, Theresa <Davis.Theresa@epa.gov> wrote:

Hi Mr. Edgar,

Byron has asked me change the time of his meeting with you on Friday the 24th. Could you conference call with him at 10am, 1pm or 2pm-all EDT?

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*

*<image002.png> The best things in life are the people
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Message

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Sent: 8/16/2018 5:17:28 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Follow Up to our phone call meeting with Byron Bunker

Mr. Edgar,

My mistake his calendar filled up between yesterday and today my apologies. Will any of the other times work and I can give you some other options. Just let me know. Thanks

*Theresa Davis
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From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Thursday, August 16, 2018 12:13 PM
To: Davis, Theresa <Davis.Theresa@epa.gov>
Subject: Re: Follow Up to our phone call meeting with Byron Bunker

Theresa: It it's not too late, can we talk at 10:30 eastern/7:30 pacific?

Thanks,

Brad

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+1 510-789-9917 direct
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On Aug 15, 2018, at 5:18 AM, Davis, Theresa <Davis.Theresa@epa.gov> wrote:

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I can provide a call-in number or directly dial 44 Energy whichever the company would prefer.

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<image001.png>

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Please feel free to share with your colleagues and please don't hesitate to contact me if you have questions or if you need more information.

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Message

From: Davis, Theresa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=44D4095DEB124294BC3B24916CB061BF-DAVIS, THER]
Sent: 8/16/2018 5:06:50 PM
To: Brad Edgar [brad.edgar@44energytech.com]
Subject: RE: Follow Up to our phone call meeting with Byron Bunker

10:30am (EST) on August 17th is what I am assuming based on the time. I will go ahead and send the meeting. Please call Byron at 734-214-4155. Thanks

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*



*The best things in life are the people
we love, the places we've seen, and the memories
we've made along the way.*

From: Brad Edgar [mailto:brad.edgar@44energytech.com]
Sent: Thursday, August 16, 2018 12:13 PM
To: Davis, Theresa <Davis.Theresa@epa.gov>
Subject: Re: Follow Up to our phone call meeting with Byron Bunker

Theresa: It it's not too late, can we talk at 10:30 eastern/7:30 pacific?

Thanks,

Brad

Bradley L. Edgar, Ph.D.
CEO
44 Energy Technologies | www.energytech.com

+1 510-789-9917 direct
+1 510-338-3243 office and facsimile

4055 Linden Street
Oakland, CA 94608



Energy
Technologies

On Aug 15, 2018, at 5:18 AM, Davis, Theresa <Davis.Theresa@epa.gov> wrote:

Hi Mr. Edgar,

Here are some dates/times that work for Byron.

8/17 at 9:00am-12:00pm is open

8/20 at 11am

8/22 at 11am

8/24 1-3pm is open

Let me know what works for you and what call in method you prefer.

Thank you

*Theresa Davis
Technical Support Specialist
USEPA Compliance Division, OTAQ
Serving EPA through SSAI
(734) 214-4540 phone (734) 214-4053 fax
Davis.theresa@epa.gov*

*<image004.png> The best things in life are the people
we love, the places we've seen, and the memories
we've made along the way.*

From: Bunker, Byron
Sent: Tuesday, August 14, 2018 3:54 PM
To: Brad Edgar <brad.edgar@44energytech.com>; Davis, Theresa <Davis.Theresa@epa.gov>
Cc: Juston Smithers <juston.smithers@44energytech.com>
Subject: RE: Follow Up to our phone call

Hi Theresa,

Can you please work with Mr. Edgar to put a conference call on my calendar? I think the call should take about 30 minutes, but let's look for an hour block so that we aren't time limited.

I can provide a call-in number or directly dial 44 Energy whichever the company would prefer.

Thanks,

Byron

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

From: Brad Edgar [<mailto:brad.edgar@44energytech.com>]
Sent: Thursday, August 09, 2018 9:05 PM
To: Bunker, Byron <bunker.byron@epa.gov>
Cc: Juston Smithers <juston.smithers@44energytech.com>
Subject: Re: Follow Up to our phone call

Byron: I'm just back in the office after a few days off. Checking in to see if you've had a chance to review our letter.

Thanks,

Brad

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<image001.png>

On Jul 31, 2018, at 2:16 PM, Brad Edgar <brad.edgar@44energytech.com> wrote:

Byron:

Thank you for taking my call yesterday. As follow up, we put together a letter with a couple of requests and well as a little more background on us and our test work. I've also included the legal complaint against BMW filed by our client.

Please feel free to share with your colleagues and please don't hesitate to contact me if you have questions or if you need more information.

Brad

<Correspondance from 44 Energy 07-31-2018.pdf>

<hagens_berman_bmw_emissions_amended_complaint_041918.pdf>

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